

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

KING OF KINGS, INC.,)
)
Plaintiff,)
) No. 3:13-CV-244
v.)
) Judge Curtis L. Collier
NATIONWIDE PROPERTY AND)
CASUALTY INSURANCE COMPANY,)
)
Defendant.)

ORDER

Plaintiff filed a motion for voluntary dismissal (Court File No. 25). Consistent with Fed. R. Civ. P. 41(a)(2), the Court set out certain conditions for the dismissal of the action and gave Plaintiff a period of time to respond (Court File No. 31). This period of time has now elapsed with no response from Plaintiff. Accordingly, the Court **DISMISSES** this case without prejudice under the following conditions, which should adequately protect the interests of the parties:

1. The case must be refiled in the Eastern District of Tennessee before this Court.
2. All previous rulings and entries on the docket for this case must stand, including the pending motion *in limine*. Dismissal and refileing shall not be grounds to reopen expert discovery.
3. Plaintiff must pay Defendant's costs and fees for work performed in the first suit that cannot be used in the second suit.

SO ORDERED.

ENTER:

/s/ _____
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Debra C. Poplin
CLERK OF COURT